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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-second session

SUMMARY RECORD OF THE 564th MEETING

Held at Headquarters, New York,
on Thursday, 25 March 1993, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

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The meeting was called to order at 10.20 a.m.

GENERAL EXCHANGE OF VIEWS (continued)

1. Mr. HAMBALI (Indonesia) said that international cooperation in the area of science and technology in outer space was absolutely necessary to ensure availability of information and knowledge as well as greater advantage from outer space activities for the developing countries. The Legal Subcommittee had an indispensable role to play in clarifying and strengthening the legal aspects of the use of outer space for the benefit of mankind.

2. Indonesia did not reject the use of nuclear power sources on board space objects since it was a consequence of the development and application of space technology for peaceful purposes. His country, however, had long expressed concern over possible hazards which the use of those sources entailed for human life and for the environment. For that reason it was heartening that, after extensive negotiations, the General Assembly had approved by consensus at its forty-seventh session the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

3. In view of the ever-widening gap between developed and developing countries in space applications and technology, it was necessary to establish legal regulations to strengthen international cooperation and facilitate access of third world countries to the benefits of space activities. Consequently, a review of working paper A/AC.105/C.2/L.182 was both timely and relevant. Indonesia noted with satisfaction the substantive progress made at the preceding session and was confident that, by establishing the legal regulations, the Subcommittee would contribute to closing the gap which would enable all States to make space applications part of their development priorities.

4. Referring to the geostationary orbit, he said that his delegation wanted to reiterate its position that, given the unique and special characteristics of the orbit, formulation of a legal framework complementing the existing instruments in the area of space law and reflecting a rational and equitable balance between the interests of developing countries, including equatorial countries, and developed countries was of transcendental importance. In that spirit of cooperation, Indonesia supported the use, as a basis for deliberations, of the unofficial text drafted by several members of the Group of 77 at the Subcommittee's thirtieth session and hoped that members would demonstrate the political will needed to achieve consensus on that subject. In addition, the proposal in working paper A/AC.105/C.2/L.189, submitted by the Russian Federation, was worthy of further consideration and could constitute the basis for further debate; it dealt with the legal regime applicable to aerospace objects and referred to the question of definition or delimitation of outer space, two closely linked and inseparable issues.

5. Mrs. VASISHT (India) said that her delegation welcomed the consensus adoption of General Assembly resolution 47/68. The Principles adopted in that resolution constituted a set of minimum common requirements for bolstering the confidence of the international community with respect to the safety of using nuclear power sources in outer space and represented a recognition of the

(Mrs.Vasisht, India)

dynamism of technological development. India felt that the spirit of cooperation and consensus which had led to approval of the Principles would continue unabated, since the resolution also stipulated that the Principles should remain open to review.

6. Her delegation had noted the reservations of the Mexican delegation with regard to Principle 4. The fact of having shared those same reservations and the resulting deliberations would contribute to the common experience of interpreting those Principles. The Indian delegation's experts were studying not only the Mexican delegation's observations but also those of other representatives who had made statements at the past two meetings, thereby adding to the Subcommittee's knowledge and its experience in dealing with the issue.

7. Mr. ZAWELS (Argentina) said that several important events in the area of space activities had taken place at the United Nations in 1992. International Space Year had been celebrated and, after much work, resolution 47/68 had been adopted on the basis of a proposal negotiated by the Legal Subcommittee.

8. His delegation felt it important to create by stages an international legal order that would regulate space activities, taking into account the interests of all countries and, in particular, those of developing States. The Subcommittee had given proof of its effectiveness in drafting the important legal instruments which could in the future become the binding rules of international law.

9. The consideration of agenda item 3 flowed from Principle 11 of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. The discussion had testified convincingly to the validity of those Principles, which contributed to the safety of the use of nuclear power sources in outer space.

10. The subject of delimitation of outer space was enriched by the working paper on questions concerning the legal regime for aerospace objects (A/AC.105/C.2/L.189) submitted by the Russian Federation. The first reading of that document was positive, and its focus represented a valid alternative for examination of the question of delimitation of outer space from another perspective.

11. He emphasized the positive and innovative focus of an informal text submitted by several members of the Group of 77 on the question of the geostationary orbit. At the preceding session, positive contributions by a number of delegations, as duly reflected in paragraph 5 of General Assembly resolution 47/67, had added depth to the reading of that document.

12. His delegation was confident that on that basis progress towards a consensus approach would be made which would allow work on the orbit of geostationary satellites to move forward as a complement to the highly positive work of the International Telecommunication Union.

13. When considering the legal aspects related to the application of the principle that the exploration and use of outer space should be carried out for the benefit and in the interests of all States, taking into particular account

(Mr. Zawels, Argentina)

the needs of developing countries, members should recall the constructive debate which had taken place at the preceding session of the Subcommittee and should also bear in mind the contributions by delegations to the relevant working paper (A/AC.105/C.2/L.182). Argentina, as one of the authors of the paper, favoured in-depth examination based on a consensus approach.

14. The need to begin consideration of the question of space debris was evident. His delegation supported the search for consensus in that regard. It hoped that in the near future the question would form an integral part of the Subcommittee's agenda, so that international rules could begin to be established.

QUESTION OF EARLY REVIEW AND POSSIBLE REVISION OF PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE (continued)

15. Mr. YAMAMOTO (Japan) said that, in its statement in the Special Political Committee in 1992, his delegation had expressed its sincere appreciation for the completion of the work of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. The most striking feature of those Principles was the underlying sense of balance between viability, adaptability and stability which made them more credible as technical standards for treatment of that complex matter.

16. In that connection, Principle 11 and the basic considerations envisaged in the preamble were most important and offered the best possibility for a practical approach. The Subcommittee should continue giving priority to that matter by allocating to it sufficient discussion time. Accordingly, Japan attached importance to the need for maintaining a working group on the subject. As the representative of the United Kingdom had indicated, the Scientific and Technical Subcommittee had started a useful debate, and his delegation was carefully studying the interesting papers submitted by the United Kingdom and the Russian Federation. It was essential first to exhaust the scientific and technical analysis, which would undoubtedly serve as a basis for a proper review and possible revision of the Principles by the Legal Subcommittee. The absence of a truly active discussion at the current session might well be justified and did not negate the value of the review process as such. If in the future a specific and well-reasoned proposal for revision was submitted, his delegation would study it closely and would actively participate in the discussion.

17. Mr. BOYER (France) said that his delegation shared the view of the representative of Japan and found the United Kingdom paper very interesting.

ORGANIZATION OF WORK

18. Mr. ZAWELS (Argentina) proposed that the working group meeting planned for the evening of 26 March should be postponed in order to continue the informal consultations on the geostationary orbit.

19. It was so decided.

The meeting rose at 10.45 a.m.